

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1-18 are amended and claim 21 is canceled without prejudice or disclaimer.

The Office Action rejects claim 21 under 35 U.S.C. §112, first paragraph. Claim 21 has been canceled, obviating this rejection.

The Office Action rejects claims 1-8 under 35 U.S.C. §102(b) over U.S. Patent No. 6,541,407 to Beall et al. ("Beall"), and rejects claims 1-21 under 35 U.S.C. §103(a) over Beall in view of U.S. Patent No. 5,976,478 to Swanson et al. ("Swanson"). These rejections are respectfully traversed.

A. The Office Action refuses to consider the "partition walls have pores and a porosity of at least 40%, said pores being formed mainly by virtue of the porous silica powder or the porous silica-containing compound" feature of claim 1, but confirms that this feature would be given weight if recited in a method claim.

Claim 1 has been amended to recite a method. It is clear that Swanson does not disclose "a porosity of at least 40%, said pores being formed mainly by virtue of the porous silica powder or the porous silica-containing compound." Accordingly, claim 1, and all claims dependent therefore, are patentably distinct from Swanson. (It is noted that the Office Action also refused to consider various dependent claim features (see, e.g., claims 4-6), and that these claims now also recite a method and therefore the features must be considered.) Withdrawal of this rejection is respectfully requested.

B. Regarding the §103(a) rejection of claims 1-21 over Beall in view of Swanson, Applicants previously raised the point that the proposed combination would not have been obvious because Swanson teaches the use of boron, which adversely affects the crystal orientation of cordierite structures. The Office Action does not reply to that point, although in connection with former claim 21, the Office Action points to column 4, lines 29-36 of

Swanson, which teach that boric acid may be removed by washing with water. Nonetheless, this disclosure would have failed to make the proposed combination obvious, as discussed below.

First, Swanson does not suggest that its particles would be suitable in a particulate filter such as is disclosed by Beall. Rather, Swanson suggests that its particles are suitable in "resin/filler systems used in electronic packaging" (column 1, lines 44-46; see also column 5, lines 40-42); "catalyst supports, absorbents, thickeners, viscosity and/or rheology modifiers and chromatography media" (column 5, lines 32-35); and in applications "such as in adhesives, cosmetics and personal care products, greases, rubbers, coatings, sealants, pharmaceuticals, composites, foods, and inks" (column 5, lines 57-60). None of these applications even remotely resembles the particulate filter of Beall, either in shape or in desired and necessary properties. The Office Action asserts that Swanson suggests "use in catalytic monolith," but this is not correct--Swanson discloses "catalyst supports," but does not disclose "catalytic monoliths." (Beall also does not use the term "catalytic monolith.") Even if it did, the Patent Office has presented no evidence suggesting that a "catalytic monolith" is sufficiently similar to a particulate filter to warrant the conclusion reached by the Office Action. Also note that the "catalyst supports" disclosed by Swanson are the particles themselves, not a separate structure in which the particles are used.

Second, Swanson teaches that its method is expressly for the purpose of creating internal porosity in particles. See, e.g., column 1, lines 14-20, abstract. The internal porosity is described as an advantage in the context of being impregnated with a liquid in particles used as a "delivery or containment vehicle," or in trapping air in "specialty polymer insulation formulations" or "electronic applications" (column 5, lines 35-43). Such features are not useful in particulate filters such as in Beall. Particulate filters are intended to trap

particulates, not air, and thus the particles of Swanson would be unhelpful, and possibly damaging, to the operation of the Beall device.

Accordingly, the proposed combination would not have been obvious, and for at least this reason claims 1-20 are patentably distinct from the applied references.

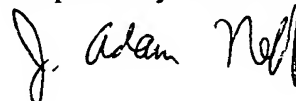
Furthermore, Swanson does not overcome the above-noted deficiencies of Beall with respect to claims 1-8, and thus even if combined as proposed, the references would not teach or suggest all of the features of those claims.

* * *

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

J. Adam Neff
Registration No. 41,218

JAO:JAN/scg

Attachments:

Request for Continued Examination
Petition for Extension of Time

Date: February 3, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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